

A Huge Victory In The Fight Against Privatization!

A private bus company that now employs former Grand Rapids Public School transportation workers broke federal labor law when it refused to recognize the employees' union, an affiliate of the Michigan Education Association (MEA).

The Grand Rapids Educational Support Personnel Association (GRESPA) has been an MEA affiliate since 1993. GRESPA represents custodial, maintenance, mechanics, bus drivers and route planners workers in Grand Rapids since 1993.

MEA filed federal charges with the National Labor Relations Board in October 2005 against Dean Transportation Inc. over the private company's handling of Grand Rapids drivers. In a ruling dated Sept. 27, 2006 Administrative Law Judge Michael A. Marcionese ruled in favor of the employees, who are prepared to bargain a new contract.

Citing the federal "successorship doctrine" governing employers, GRESPA sought to continue to represent Grand Rapids transportation workers who were fired by the district in June 2005 and subsequently rehired by Dean Transportation to perform their former jobs. The district contracted with Dean Transportation to run its bus service, sold its buses to the private company and leased district property to Dean. The workers were forced to join Dean's own farce of an employee union which was in violation of the law, according to Marcionese's ruling

The decision ordered the Lansing-based Dean Transportation to notify its employees that the company broke the law and to inform them of their right to unionize and to choose representatives to bargain on their behalf. GRESPA will host an informational meeting next week for all full-time and regularly employed part-time drivers, mechanics and route planners who work at the district's facility.

The case may help ease the worries of other public school employees whose jobs are threatened by privatization. Many school districts have threatened to hire private companies to do the work of school employees, resulting in lower pay and benefits for the workers.

St. Joseph County has been no stranger to privatization as several of our districts have chosen to privatize out the custodial and food service work formally performed by district employees who were not represented by MEA.

Lawsuit Filed Over Fingerprinting And Criminal Background Check Provision Of The Pupil Protection Laws.

A lawsuit has been filed on behalf of 460 Michigan school districts against the State of Michigan and several state agencies, claiming the new legal requirements for districts to fingerprint and conduct background checks violates the Michigan Constitution. The Thrun Law Firm filed this case in the Michigan Court of Appeals on September 28, 2006.

The suit is based on Article 9, Section 29 of the Michigan Constitution (the Headlee Amendment) which requires the State of Michigan to provide school districts with revenues sufficient to fully defray the necessary increased costs for activities and services newly required by state law. According to the school districts, the state has failed to pay them for the necessary increased costs of meeting these new legal requirements.

This case is an admission that the costs associated with criminal background checks and fingerprinting are the responsibility of school districts, not individual employees. If your school district that is requiring employees to pay for the cost of fingerprinting, please contact the MEA Three Rivers Office immediately.

MEA Conferences: An Opportunity to develop your skills!

There is a common misconception that you must be an elected leader to attend MEA conferences. This is simply not true. If you have not yet attended a MEA conference you should consider it. MEA conferences provide information, materials and ideas that are immediately applicable for all members. They also enhance the skills of local leaders and members to address current issues in bargaining, public relations, political action, professional development for both teachers and all classifications of support staff.

If you are interested in what MEA offers a complete list of conferences is available at www.mea.org or you can call the Three Rivers MEA office at 800-540-1796 or at 279-5285.

Election Time: Campaign Finance Act the Do's and Don'ts for Public School Employees.

With the elections fast approaching here are some reminders of things you can and cannot do as a public school employee. School board members and school employees are required to abide by Michigan's Campaign Finance Act while campaigning in support of or opposition to a ballot proposal. The following points may be used by school districts as a guide in determining the legal parameters of involvement for board members and school employees in ballot proposal campaigns:

- All information disseminated by a school district relating to a ballot proposal must be factual without expressly advocating for or against the proposal *if district funds are used*.
- Board members and school employees may engage in campaign activities that support or oppose a ballot proposal on their own time *as long as district funds are not used*.
- A district may not give or loan paper, pencils, duplicating equipment, printing supplies and sundry items to a campaign committee supporting or opposing a ballot proposal.
- Leasing school facilities, including office space or phones, to a community group supporting or opposing a ballot proposal for the purpose of contacting voters is prohibited.
- The teachers' lounge, school bulleting boards, and other areas within a district building may not be used to disseminate literature supporting or opposing a ballot proposal even if it was printed by an outside organization.
- A school district may not use public resources to create and maintain Internet links to Web sites, organizations, commentary or editorials that expressly support or oppose a ballot proposal if the district does so for the purpose of influencing the outcome of the proposal.
- School buildings may be used for presentations supporting or opposing a ballot proposal after school hours pursuant to board policy. Care should be taken to ensure that facilities are equally available to both proponents and opponents of the proposal and appropriate fees, if required by board policy, are administered consistently.
- Board members and school employees may use their own materials to draft letters to the editor to express their opinions on a ballot proposal.
- The occasional, incidental use of public resources by a superintendent to communicate his or her views on a ballot proposal to constituents or the media is permissible.
- A school official is prohibited from sending a mass e-mail or mailing that expressly advocates for or against a ballot proposal.
- A school district may produce or disseminate debates, interviews, or commentary regarding a ballot proposal if it is done in the regular course of broadcasting or publication (e.g., the normal, routine publication schedule of the broadcast or publication).
- A school board may discuss its support of or opposition to a ballot proposal at an open meeting as well as adopt a resolution supporting or opposing the proposal and record the resolution in the meeting minutes. However, the use of public resources to distribute or publicize the resolution beyond the regular provision of factual information regarding actions taken by the board is prohibited.
- Board members may wear T-shirts or buttons that support or oppose a ballot proposal at board meetings if not prohibited by board policy. School employees may also wear these items at school if not prohibited by board policy or the district's collective bargaining agreement.
- Unions and associations may communicate with their members about a ballot proposal by using school mailboxes, provided that such communications are sent only to the collective bargaining representatives' members.